

April 15, 2008

**TO THE MEMBERS OF THE BROWN
COUNTY BOARD OF SUPERVISORS**

Ladies and Gentlemen:

The LAND CONSERVATION SUB COMMITTEE met in regular session on March 24, 2008, and recommends the following motions.

1. 2008 Wisconsin Deer Management Information meetings (Jon Bechle). Receive & place on file.
2. Letter to landowners requiring 590 nutrient management plans (Jon Bechle). Receive & place on file.
3. Waste Transformation project update (Brad Holtz). Receive & place on file.
4. Update on Country Aire Animal Waste Spill on March 5, 2008. (Bill Hafs, Dave Wetenkamp, Chris Flicek). **26.10 APPLICATION FOR AND ISSUANCE OF PERMITS.** (2) Emergency Repairs. Emergency repairs such as repairing broken pipe or equipment, leaking dikes or the removal of stoppages maybe performed without an animal waste storage facility permit. Such work will be reported to the Land Conservation Department as soon as possible for a determination as to whether an animal waste storage facility permit will be required for an additional alteration or repair to the facility. The County Land Conservation Department shall consult with the Land Conservation Committee prior to making this determination. Approve \$1,500 permit for the alteration of the manure storage facility on March 5, 2008. Ayes: 3 (Vander Leest, Kaster, Dantinne); Nays: 2 (Vande Hei, Fleck); Excused: 1 (Erickson). Motion Carried.
5. Director's report. No action.

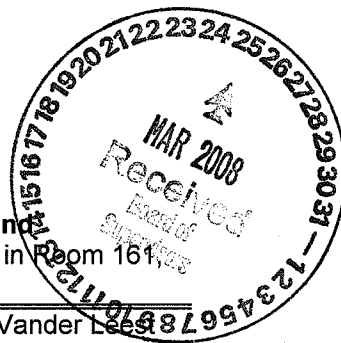
Approved by:

COUNTY EXECUTIVE

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Date

**PROCEEDINGS OF THE BROWN COUNTY
LAND CONSERVATION SUBCOMMITTEE**



Pursuant to Section 18.94 Wis. Stats., a regular meeting of the **Brown County Land Conservation Subcommittee** was held on Monday, March 24, 2008 at 5:45 p.m. in Room 161, UW-Extension, 1150 Bellevue Street, Green Bay, Wisconsin.

Present: Norb Dantinne, Mike Fleck, Norb VandeHei, Dave Kaster, John Vander Leest

Excused: Bernie Erickson

Also Present: Bill Hafs, Jon Bechle, Dave Wetenkamp, Chris Flicek, Brad Holtz. Supervisors Bill Clancy, Tom DeWane. Tom Hinz, Jayme Sellen, Judy Knudsen, Chuck Lamine, Other Interested Parties.

1. **CALL MEETING TO ORDER:**

The meeting was called to order by Chairman Dantinne at 5:47 p.m.

2. **APPROVE/MODIFY AGENDA:**

A MOTION WAS MADE BY SUPERVISOR FLECK AND SECONDED BY SUPERVISOR KASTER TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.

3. **APPROVE/MODIFY MINUTES OF LAND CONVERSATION SUBCOMMITTEE OF FEBRUARY 25, 2008:**

A MOTION WAS MADE BY SUPERVISOR KASTER AND SECONDED BY SUPERVISOR FLECK TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.

Supervisor Vander Leest arrived at 5:49 p.m.

4. **2008 WISCONSIN DEER MANAGEMENT INFORMATION MEETINGS (JON BECHLE):**

Land Conservation Program Manager, Jon Bechle, provided informational handouts (available in County Board and County Clerk office) that were available at the 2008 WI Deer Management Informational Meeting. The meeting was held to get input from the public on deer hunting concerns. The DNR is proposing Earn-a-Buck and returning to the October antler less only hunting again. Both measures are geared at getting hunters to harvest a higher amount of antler less deer in the hunting season which is deemed the best way to get the deer population down and management of units.

A MOTION WAS MADE BY SUPERVISOR FLECK AND SECONDED BY SUPERVISOR KASTER TO RECEIVE AND PLACE ON FILE. Vote taken. MOTION CARRIED UNANIMOUSLY.

5. LETTER TO LANDOWNERS REQUIRING 590 NUTRIENT MANAGEMENT PLANS (JON BECHLE):

Bechle referred to information in packet and answered questions from the committee.

A MOTION WAS MADE BY SUPERVISOR VANDER LEEST AND SECONDED BY SUPERVISOR VANDEI HEI TO RECEIVE AND PLACE ON FILE. Vote taken. MOTION CARRIED UNANIMOUSLY.

6. WASTE TRANSFORMATION PROJECT UPDATE (BRAD HOLTZ):

Land Conservation Agronomist, Brad Holtz, provided handouts (available in County Board & County Clerk office) re: Brown County Waste Transformation Update and stated there is a meeting scheduled for April 2, 2008 with the Green Bay Metropolitan Sewage District. The waste transformation team plans to meet with the commission to ask for dollars to cost share the feasibility study. Anyone who steps forward from a waste generation standpoint to help cost share this phase of the project, their dividend would be a five dollar reduction in any tipping fee from materials to come into this facility on a five year contract. It's expected to take from one to three months to do this portion of the study and 12-15 months after to have an actual operating facility.

A MOTION WAS MADE BY SUPERVISOR VANDER LEEST AND SECONDED BY SUPERVISOR FLECK TO RECEIVE AND PLACE ON FILE. Vote taken. MOTION CARRIED UNANIMOUSLY.

7. UPDATE ON COUNTRY AIRE ANIMAL WASTE SPILL ON MARCH 5, 2008. (BILL HAFS, DAVE WETENKAMP, CHRIS FLICEK). 26.10 APPLICATION FOR AND ISSUANCE OF PERMITS. (2) EMERGENCY REPAIRS. EMERGENCY REPAIRS SUCH AS REPAIRING BROKEN PIPE OR EQUIPMENT, LEAKING DIKES OR THE REMOVAL OF STOPPAGES MAYBE PERFORMED WITHOUT AN ANIMAL WASTE STORAGE FACILITY PERMIT. SUCH WORK WILL BE REPORTED TO THE LAND CONSERVATION DEPARTMENT AS SOON AS POSSIBLE FOR A DETERMINATION AS TO WHETHER AN ANIMAL WASTE STORAGE FACILITY PERMIT WILL BE REQUIRED FOR AN ADDITIONAL ALTERATION OR REPAIR TO THE FACILITY. THE COUNTY LAND CONSERVATION DEPARTMENT SHALL CONSULT WITH THE LAND CONSERVATION COMMITTEE PRIOR TO MAKING THIS DETERMINATION.

County Conservationist, Bill Hafs, provided a copy of an inspection report (attached). Hafs stated the reason for the update is when there is an emergency repair, such as a broken pipe or leaking dyke, the decision on whether an alteration permit is issued, is made in consultation with Land Conservation Committee. The cost of an alteration permit is \$1,500, and he stated the staff recommendation is that the committee uses the emergency alteration permit for this purpose. The land owner will be charged an additional, after the fact alteration fee, as well as, an inspection fee the County Board put in place in 2007, both costing \$3,000 each.

Supervisor Dantine questioned if the hours that were put in by County employees were paid for and Hafs responded that when working with a land owner on a typical permit, the land owner has the choice to use the County services or private engineering services. In most cases, they choose the County and are billed a permit fee and \$42 per hour engineering fee. This particular incident has never happened before; the \$1,500 alteration fee will not be enough to reimburse the County for the hours spent out on the job.

Supervisor Clancy, who is a neighbor to the property, stated with an emergency like this he believes they stepped up and handled it properly and to the best of their ability. This is a huge financial loss and it can be looked at both ways but suggested the committee be forgiving since it was an accident and it was acted on right away and did not neglect the situation. Supervisor Fleck agreed with Supervisor Clancy.

Supervisor DeWane questioned how often it is inspected, stating this year has been an untypical year with the freezing and thawing. His understanding from speaking with the DNR, the property owners really take care of their property and were on it right away and doing everything right.

Supervisors Vander Leest and Kaster are concerned that if they do not use the emergency alteration permit for this situation they may be setting precedence now by not charging the fee and may have issues with the next emergency repair incident. Vander Leest stated staff is recommending this and seems reasonable and there is always the option to come back for an appeal.

A MOTION WAS MADE BY SUPERVISOR VANDER LEEST AND SECONDED BY SUPERVISOR KASTER TO APPROVE \$1,500 PERMIT FOR THE ALTERATION OF THE MANURE STORAGE FACILITY ON MARCH 5, 2008. Vote taken. AYES: 3 (VANDER LEEST, KASTER, DANTINNE). NAYS: 2 (VANDE HEI, FLECK). EXCUSED: 1 (ERICKSON). MOTION CARRIED.

8. DIRECTOR'S REPORT:

Hafs provided a handout (available in County Board & County Clerk office) re: Kroll Spill Summary, which he will report at next months meeting.

No action taken.

9. SUCH OTHER MATTERS AS AUTHORIZED BY LAW:
None.

A Motion was made by Supervisor Fleck and seconded by Supervisor Vande Hei to adjourn at 6:32 p.m. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Alicia A. Loehlein
Recording Secretary

Storage Facility	Bottom Dimensions	Top Dimensions	Side Slopes	Total Depth	Volume Capacity (cu. ft.)	Days Storage	Animal Units
Designed							
Current							

(Note) For circular pits record bottom / top diameters and total depth.

III. Current land base available for waste utilization *See 2007 NMP*

- a) Cropland acres: Owned _____ acres Rented _____ acres TOTAL _____ acres
- b) Is "other waste" being stored in animal waste storage facility, landspread, or both?
NO

IV. Environmental Assessment

- a) storage facility stability / liner integrity The stormwater system will be abandoned properly and liner fixed where needed. See attached write-up for details.
- b) setbacks _____
- wells -OK
 - property lines -OK
 - navigable stream or other - tributary of East River to the North
 - karst features - None documented
- c) drainage issues: stormwater drainage between barns and around lagoons will be dealt with.
- d) safety features (fence, gates, grates): NO Fence around lagoons
- e) other noticeable impacts or concerns: Existing stormwater system will be abandoned. A temporary drainage ditch to the North Road ditch will be constructed. After the frost is out, the ditch will be reshaped and new culverts added.

V. Future plans, expansion considerations: None

VI. Attach soil profile sheets, soil test results (if needed) and site assessment narrative.

See 2007 plans submitted by REA.

Site Assessment Report (Country Aire Dairy)

Wednesday 3/5/2008 10:00 a.m. Dave Wetenkamp / Chris Flicek

- The investigation began by observing the East River at several locations and taking pictures.
- Arrived at Gerrits and observed the area on the west end of pit where the berm was dug up the day before (Tuesday). The stormwater pipe was cut and plugged in two locations on the west end of the pit. See pictures below.
- Talked with Mike Gerrits and he was confident the stormwater pipe was plugged properly in both locations on Tuesday. On-site clay was used. Mike stated he was concerned with stormwater pipe and that he was never comfortable having the pipe through the berm. It seemed to be the easiest and a shorter distance to put the stormwater drainage there.

(Stormwater Outlet Looking North)



(Stormwater Drain Plug West Side Lagoon)

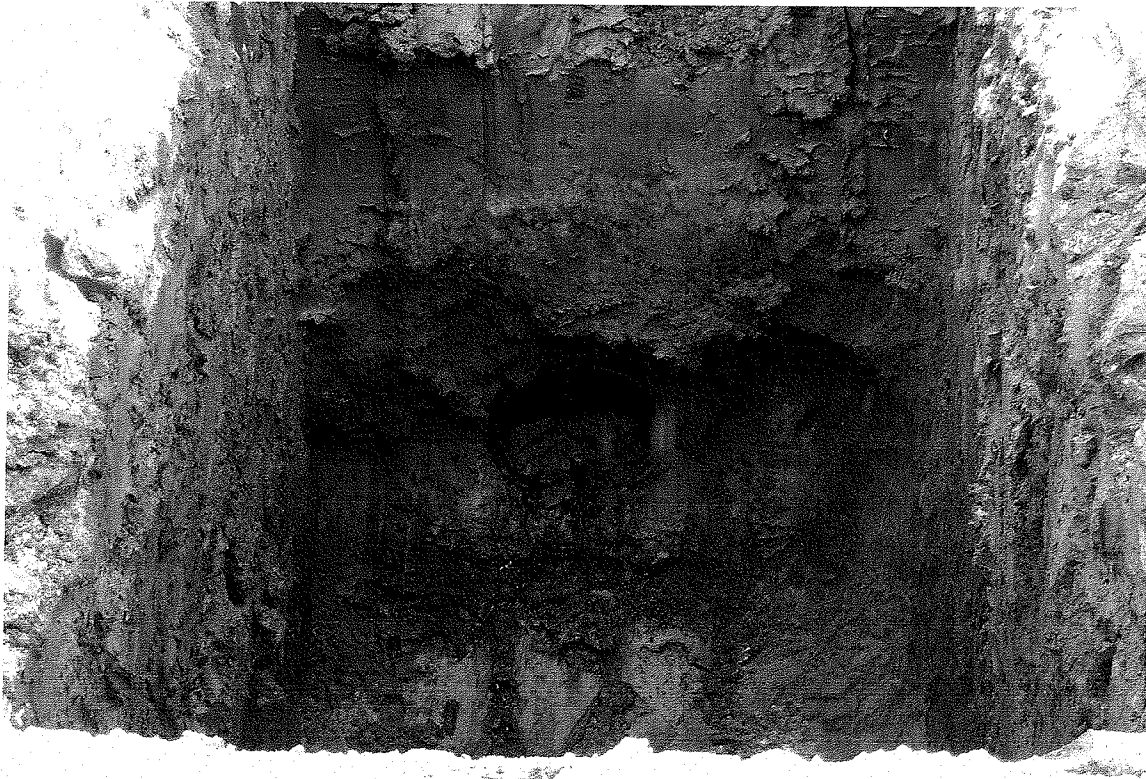


- Dave and Chris are concerned about the stormwater runoff in the near future. An alternative outlet will be needed quickly before spring thaw. Mike informed us to do some surveying at the site and to determine if the stormwater runoff can be directed to the North and into the Lamers Clancy road ditch. Surveyed site and the elevations show that the water can be directed to the north road ditch, but there are some manure transfer pipe elevations that are in question. Talked to Mike about transfer pipe locations and elevations so they are not damaged during the construction of the stormwater ditch. A temporary drainage ditch will be constructed.
- Met with Mike and Craig Webster from the DNR at Gerrits office. DNR stated that someone is needed to document the liner plug and stormwater plan. Craig stated to Mike, whether it be an engineering firm or LCD the DNR needs a statement in writing saying that the plug is ok and stormwater will be kept out of the pit. DNR asks Dave and Chris if they are willing to state in writing that the pipe plug is ok, good clay was properly compacted, and the berm is stable if the pit is used and filled to the top. Dave and Chris stated they could not guarantee and provide a statement in writing for this because they were not present and did not witness the liner plugging and compaction. Explained what should be done and proposed a strategy. Talked to Dave Ecker (J & E Construction) and he said the stormwater pipe has a manhole and grate. We agreed to meet Dave on site at 2:30 pm to find the basin and discuss any further action on pipe plugging and berm stabilization.

Wednesday 3/5/2008 Continued

- Met Excavator (Dave) at 3:00 pm. and found the manhole grate. Used the backhoe to find the 15" P.E. culvert pipe in the middle of the separation dike, on the east end of the pit. Removed 10-12 ft. of the pipe and recompact the clay in the trench to block up pipe. During removal of the pipe, manure was back flowing from the open end of pipe or the west side of the pit. It was plugged with clay and the trench was backfilled and compacted. The excavator stated he did the same thing on the west side of the pit to block the pipe. When the excavator came on site to plug the initial leaking pipe (on Tuesday 3/4/08) a trench was already cut between the two manure storages to allow an overflow from the south pit to the sand cell pit because the manhole drainage system was not working. The excavator did not say who did the digging but suspected it was the pipe installer. The excavator said they had to dig about 2 ft. down in the trench to hit the stormwater pipe. He stated the pipe did not look as though it was sloughing or differential settlement had taken place with the stormwater pipe. The excavator did state that a scratch or gouge was seen on the pipe that may have accordioned the pipe and separated it some to where it allowed manure water from the south pit to seep into it. Much of the pipes were covered in manure / snow and hard to see detail. To plug the pipe the excavator said he dug the overflow deeper and the storm water pipe crushed. A trench was dug, the pipe was removed and then backfilled. This was done on the west end as well. Manure from south cell flowed north and the elevation dropped several feet to allow repair to be made.

(Stormwater Drain Plug East Side Lagoon)



Thursday 3/6/2008 Dave Wetenkamp / Chris Flicek 9:00 am

- Contacted R.C. from Braun Electric to inquire about the source pump lines and he said they were down 4-5 ft. Also left a message with John Milligan (Civil Engineer for REA) to let him know of the situation.
- Arrived at Gerrits farm at 9:00 a.m. and the same excavator from (J & E Construction) was on site and already digging the stormwater trench, starting at the manhole. Concern was brought up about the electric lines that provided 3 phase 480v power to the pump. These lines also run along the source pump transfer pipe and talked to Mike Gerrits about getting information on the depth of the electric lines. The electrician was actually on site today and he said the electric lines were placed down approximately 36 in. at a minimum, but extra fill was placed over the lines afterwards so it may be deeper or shallower depending on what the excavator did. When asked, the excavator did say he backfilled the lines and they should be deeper.
- The initial digging of the trench was dug to shallow and would impound 1.9 ft. of water in ditch and over manhole basin. The excavator did not want to dig deeper, in case of frost damage to pipe. Discussed this with the landowner and the ditch was dug at a flat grade of 0.6 tenths above the manhole grate instead. This will impound some water in the ditches at a depth of approximately 0.6 tenths. This will allow a deeper ditch and outlet for the stormwater basins between barns and still prevent pipe freezing. The new temporary stormwater ditch was completed and elevations were taken. This is a good temporary measure until the frost is out, then the ditch will be regraded to have slope out and culverts installed across road to the new north ditch from between the buildings. The stormwater system will be abandoned and figured into the new ditch system. The source pump pvc line and the electric lines may then be lowered by Braun Electric to maintain ground cover over the pipe if necessary.
- After the stormwater ditch was completed the rest of the east stormwater plug was filled and compacted.
- Decided to remove more stormwater pipe on the west end of the pit to be safe and for proper documentation. Pipe was removed to approximately 10 ft. west of the existing manhole. Clean clay was used for backfill and compacted in 6-9 in. lifts. The inside side slope at this point was shaped to follow a 2:1 slope.
- The entire time we were on site Wednesday and Thursday, clean-up was taking place. Excavation and pumping of ditches occurred until clean-up was satisfactory. Assistance with pumping was provided by Braun Electric and Fox Valley Septic.

(Temporary Stormwater Trench Looking South)



(Stormwater Drain Plug West Side Lagoon)



Friday 3/7/2008 Dave Wetenkamp / Chris Flicek 10:30 a.m.to 1:30 p.m.

- Met with the same excavator from J & E construction as the previous days and discussed constructing a dam across the intermittent stream to the west of Old 57 Road on land owned by Bill Clancy. The weather is supposed to turn warmer in a few days and a large melt off and surface water drainage is expected. The purpose of the dam is to slow water down, allowing any manure solids to settle. When the water reaches approximately 3 ft. it will flow over the bales. Construction started around 11-11:30 a.m. The stream bottom was leveled somewhat and 11 large square bales were placed across the stream. The bale dimensions were approximately 3 ft. high and 8 ft. long, so close to 90 ft. of dam was constructed. Behind the entire length of bales 3-6 in. breaker rock was placed. The rock was placed to the height of the bales and then sloped downstream at a 3:1 slope (approximately 9 ft. to stream bottom). Used close to 34 yds of rock (2) 17 yd truck loads. Toward the end of constructing the dam, Jason Moeller of the DNR stopped and stated the job was adequate and would meet DNR's approval. Observe the construction pictures below.

(Clancy Site Initial Pump Out Sump Looking West)



(Bale Dam Looking West Clancy Site)



(Bale Dam Downstream Looking East)



Thursday 3/13/2008 (2:30-3:00 p.m.) Dave Wetenkamp / Chris Flicek

- Observed the site to ensure the stormwater ditch and bale dam was working properly. Talked with Mike Gerrits and he said he believed the stormwater pipe was exposed and not flowing Sunday or Monday. Mike said he observed flowing manure at approximately 6:00 a.m. on 3/4/2008, Tuesday morning. Mike said he drove by the pipe on Monday around 11:00 p.m. and did not notice any discharge, although it was dark at this time. Given this information, the least case scenario the pipe could have been flowing before it was discovered and stopped is between 6-12 hours. An estimate for discharge was calculated. A 15 in. P.E. pipe culvert with 0.5% slope and an estimated flow depth in the pipe of 1/3 or 5in. was figured (visual documentation by Mike Gerrits). This would produce and discharge approximately 32,000 gal/hr.

Friday 3/21/2008 (9:00 a.m.) Dave Wetenkamp

- Phone conversation with R.C. Ludke of Braun Electric Inc. Mr. Ludke stated that in early December of 2007 he was called to the Gerrits farm and an alteration to an existing storage facility was made without any County permits or LCD notification. Every alteration requires a permit. An overflow spillway was dug over an existing stormwater drain and the recently installed basin to basin transfer system. As a result, an existing berm was lowered to an undocumented depth and width, which in turn reduced the amount of ground cover over the existing stormwater drain. Mr. Ludke stated he will provide the Brown County LCD with dates of modifications and installation details.

(Side Slope Repair Looking North)



Signature: _____

Signature: _____

Typed Name: James R. Jolly

Typed Name: David L. Wetenkamp Christopher A. Flicek

Subscribed and sworn to before me this _____ day of _____, 2008.

Signature: _____

Notary Public, State of Wisconsin

My commission expires on _____.

Summary Country Aire Inspection

Country Aire Dairy, LLC is located at 7380 Old 57 Road in Greenleaf, Wisconsin. A large manure spill was reported by Mike Gerrits early Tuesday morning March 4, 2008. It is believed a stormwater pipe running in the berm between two lagoon cells separated or in some way failed and allowed flowing water to breakdown the south lagoon's liner. This allowed manure to flow into the stormwater pipe, which outlets to the ditch. Approximately 32,000 gal / hr is believed to have left the site and flowed towards a tributary of the East River. It is believed some of the spill made it as far north as Wisconsin Highway 96.

(Looking North down West berm of lagoons)



(Looking North down Old 57 Rd.)



(East of Old 57 Rd. Tributary of East River)



(Looking South on Clancy property - Tributary to East River)



(Looking West on Clancy property - Tributary to East River)



(Looking South on East River at Hwy 96)



Country Aire Dairy
Inspection Report

March 24, 2008



0 12,500 25,000 50,000 75,000 100,000 Feet

